

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BILL TURNER,

Plaintiff,

v.

No. 15-cv-0827 MCA/SMV

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF LINCOLN,¹
EMERALD CORPORATION,
ARTHUR ANDERSON, and MOLLY GODINEZ,**

Defendants.

ORDER TO SHOW CAUSE


THIS MATTER is before the Court sua sponte. Plaintiff filed his original Complaint naming Defendant Godinez on September 20, 2015. [Doc. 1]. Pursuant to Fed. R. Civ. P. 4(m) (2007) (amended 2015), Plaintiff had 120 days from the filing of the original Complaint, or until January 19, 2016, to effect service of process. *See Bolden v. City of Topeka*, 441 F.3d 1129, 1148 (10th Cir. 2006) (“[T]he 120-day period provided by Rule 4(m) is not restarted by the filing of an amended complaint except as to those defendants newly added in the amended complaint.”). More than 120 days have passed since Plaintiff filed his Complaint, and there is no indication on the record that Defendant Godinez has been served.

IT IS THEREFORE ORDERED that Plaintiff show good cause why his claims against Defendant Godinez should not be dismissed without prejudice for failure to comply with the

¹ The Amended Complaint [Doc. 15], filed on December 11, 2015, does not name the Board of County Commissioners of Lincoln County as a Defendant.

service provision of Rule 4(m). *See Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir. 1995). Plaintiff shall file his response no later than **February 17, 2016**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge